

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

[illegible]

**MOTION TO MODIFY DEBTOR'S CHAPTER 13 PLAN**

Now comes Frank M. Pees, Chapter 13 Trustee, and requests that the Court enter an Order Modifying Debtor's Chapter 13 Plan, pursuant to 11 U.S.C. §1329(a) and Fed. R. Bankr. P. 3015. Support for this motion is set forth below.

## MEMORANDUM IN SUPPORT

Debtor's Chapter 13 plan was confirmed on March 09, 2009, and provides for a dividend of 7.00% to unsecured creditors. The deadline to file proofs of claims has passed, and, based on claims filed, the projected length of the Plan fails to meet applicable commitment period of 11 U.S.C. §1325(b)(4). The Trustee calculates that Debtors' Plan can be modified to pay a dividend of 38.00%; the Plan will meet the applicable commitment period.

Wherefore, the Trustee respectfully requests that this Court enter an Order modifying the Plan as set forth above pursuant to 11 U.S.C. §1329 and granting such other and further relief as the Court deems just and proper

Respectfully submitted,

/s/ Frank M. Pees  
Frank M. Pees  
Chapter 13 Trustee  
130 E Wilson Bridge Rd #200  
Worthington, OH 43085  
(614) 436-6700  
trustee@ch13.org

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

In Re: DIANE MARIE KRUMLAUF : Case No. 08-60704  
: Chapter 13  
: Judge CHARLES M. CALDWELL

**CERTIFICATE OF SERVICE**

I hereby certify that on March 01, 2012, a copy of the foregoing Motion to Modify was served on the following registered ECF participants, **electronically** through the court's ECF System at the email address registered with the court:

US Trustee  
Frank M. Pees  
SCOTT R NEEDLEMAN ESQ

and on the following by **ordinary U.S. Mail** addressed to:

DIANE MARIE KRUMLAUF  
8195 WALNUT ST  
NEW ALBANY, OH 43054

/s/ Frank M. Pees  
Frank M. Pees  
Chapter 13 Trustee

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**NOTICE OF MOTION TO MODIFY**

The Chapter 13 Trustee has filed papers with the court to modify the Chapter 13 Plan in this case.

**Your rights may be affected.** You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the court to grant the relief sought in this motion, **then on or before twenty-one (21) days from the date set forth in the certificate of service for the motion**, you must file with the court a response explaining your position by mailing your response by regular U.S. Mail to:

CLERK, US BANKRUPTCY COURT  
170 N HIGH ST  
COLUMBUS, OH 43215-2403

OR your attorney must file a response using the court's ECF System.

The court must receive your response on or before the above date.

You must also mail a copy of your response either by 1) the court's ECF System or by 2) regular U.S. Mail to:

FRANK M PEES TRUSTEE  
130 E WILSON BRIDGE RD #200  
WORTHINGTON, OH 43085-6300

UNITED STATES TRUSTEE  
170 N HIGH ST STE 200  
COLUMBUS, OH 43215

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter the order granting relief without further notice or hearing.

Date: March 01, 2012

/s/ Frank M. Pees  
Frank M. Pees  
Chapter 13 Trustee